

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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JOHNNY EDWARD MCMAHON,

Case No. 3:24-cv-00292-MMD-CSD

Petitioner,

ORDER

v.

STATE OF NEVADA, et al.,

Respondents.

Petitioner has submitted a *pro se* petition for writ of habeas corpus. (ECF No. 1-2.) He has filed an application to proceed *in forma pauperis*, but the financial certificate has not been filled out and signed, and he has not submitted the required inmate account statements. Accordingly, this matter has not been properly commenced. 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2.

This action therefore is subject to dismissal without prejudice as improperly commenced. However, it is unclear from the papers presented whether a dismissal without prejudice might materially affect a later analysis of any timeliness issue with regard to a new action.

Accordingly, Petitioner has 30 days to either (1) pay the \$5.00 filing fee or (2) submit a financial certificate completed and signed by an authorized officer and an inmate account statement for the past six months. Failure to do so may result in the dismissal of this action without prejudice.

It is therefore ordered that within 30 days of the date of this order Petitioner must either pay the \$5.00 filing fee or submit a completed financial certificate and his inmate account statement for the past six months.

1 It is further ordered that if Petitioner fails to comply with this order, this action may
2 be dismissed without prejudice and without further prior notice.

3 It is further ordered that the Clerk of Court send to Petitioner one copy of the
4 application to proceed *in forma pauperis* for incarcerated persons, with instructions.

5 DATED THIS 8th Day of August 2024.

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MIRANDA M. DU
9 CHIEF UNITED STATES DISTRICT JUDGE
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